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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: Josephine Elizabeth Evans

Case No: 17-20426
Chapter 13

NOTICE OF MOTION TO:

**1. COMPEL MERITS AUTO & VAN SALES TO TURNOVER DEBTORS'
VEHICLE**

2. SANCTIONS AGAINST MERITS AUTO

HEARING DATE: 7/18/17

TO: Merits Auto & Van Sales
Attn: Officer, Managing Agent, General Agent, or Authorized Representative
313 Elizabeth Ave
Newark NJ, 07112

PLEASE TAKE NOTICE that on the 18 day of July, 2017 at 10:00 A.M., the undersigned, attorney for Debtors, shall make application to this Honorable Court for an Order to: 1. Compel Merits Auto & Van Sales to Turnover Debtors' Vehicle; 2. Sanctions Against Merits Auto & Van Sales.

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely upon the attached Certification of Josephine Evans, exhibits annexed hereto, the arguments of counsel and such other and further proofs as may be adduced at the hearing hereof.

PLEASE TAKE FURTHER NOTICE that the moving party believes that no brief is necessary in support of the within application due to the fact that the matter involves no complex issues of law or fact.

PLEASE TAKE FURTHER NOTICE that if you wish to contest the within Motion, you must file opposition with the office of the Clerk of the Bankruptcy Court, and serve upon the undersigned, 7 days in advance of the aforesaid hearing, your responding papers stating with particularity the basis of your opposition to the within Motion. A copy of the proposed Order which is sought is enclosed with this Motion.

Dated: June 21, 2017

/s/ Seymour Wasserstrum
Seymour Wasserstrum, Esq.
Attorney for Debtors

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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: Josephine Elizabeth Evans

Case No: 17-20426
Chapter 13

**CERTIFICATION OF JOSEPHINE EVANS IN SUPPORT OF MOTION FOR
TURNOVER OF VEHICLE**

I, Josephine Evans, am the debtor in this case and I am authorized to make this certification. I certify that all statements made by me are true and correct and I am aware that if any statements are willfully false I am subject to punishment for false swearing.

1. I filed a pro se Chapter 13 bankruptcy on May 22, 2017 to save my vehicle which had been repossessed by Merits Auto & Van Sales.
2. Soon thereafter I retained an attorney and my attorney's office contacted Merits Auto & Van Sales and has provided proof of bankruptcy filing however they still have not released our vehicle.
3. My previous case was dismissed for failure to pay a filing fee installment, and as such a new case was immediately filed.
4. Moreover, when my attorney contacted Merits Auto & Van Sales, informed him that they did not have to return the vehicle. They were informed that the automatic stay of the bankruptcy stops the continuation of all collection activities and that the vehicle

must be returned. My attorney was again informed that Merits Auto & Van Sales does not have to and will not return the vehicle.

5. I need my vehicle to go to and from work.
6. If I do not have my vehicle and am unable to get to work I will lose my job.
7. I plan on repaying Merits Auto & Van Sales through the chapter 13 plan.
8. If I am without my vehicle for much longer I will be forced to rent a vehicle in order to continue travelling to and from work.
9. I am therefore asking the court to order that Merits Auto & Van Sales release and return my vehicle.

I, Josephine Evans, certify that all statements made by me are true and correct and I am fully aware that if any statement is willfully false I am subject to punishment for false swearing.

Dated: June 21, 2017

/s/ Josephine Evans, Debtor
Josephine Evans, Debtor

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-2(c)

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Attorney for Debtor(s)

Case No.: 17-20426

Chapter: 13

In Re:

Adv. No.: N/A

Josephine Elizabeth Evans

Hearing Date: 7/18/17

Judge: ABA

ORDER TO:

- 1. COMPEL MERIT AUTO & VAN SALES TO TURNOVER DEBTORS' VEHICLE**
- 2. SANCTIONS AGAINST MERITS AUTO & VAN SALES FOR VIOLATIONS OF THE AUTOMATIC STAY**

The relief set forth on the following page, numbered two (2) is hereby **ORDERED**.

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Debtors: Josephine Elizabeth Evans

Case No.: 17-20426

Caption of Order: 1. Compel Merits Auto & Van Sales to Turnover Debtors' Vehicle; 2. Sanctions Against Merits Auto & Van Sales

Upon consideration of Josephine Elizabeth Evans Motion to: 1. Compel Merits Auto & Van Sales Turnover Debtors' Vehicle; 2. Sanctions Against Merits Auto & Van Sales and for good cause appearing therefore; it is hereby

ORDERED AND ADJUDGED that Merits Auto & Van Sales release Debtors' Vehicle to debtors within 24 hours of the signing of this order; and

IT IS FURTHER ORDERED that Merits Auto & Van Sales pay \$750.00 in attorney's fees to the Law Offices of Seymour Wasserstrum within fifteen (15) days of the signing of this order

IT IS FURTHER ORDERED that Merits Auto & Van Sales pay to the debtor an amount deemed fitting by this court in compensation for the loss of use and enjoyment of her property for the time during which Merits Auto & Van Sales unjustly retained the vehicle after being informed of the bankruptcy filing.